

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEMPER INDEPENDENCE INS
COMPANY, an Illinois corporation,
Plaintiff,

No. C 10-00920 CRB

ORDER OF DISMISSAL

JAMES T. MACDONELL, an individual;
SANDRA RAMSEY GAROFOLO, an
individual and LEONARD GAROFOLO, an
individual,

Defendants.

The parties hereto, by their counsel, having advised the Court that they have agreed to a
settlement of this case,

IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided,
however, that if any party hereto shall certify to this Court, within sixty days, with proof of service
of a copy thereon on opposing counsel, that the agreed consideration for said settlement has not been
delivered over, the foregoing Order shall stand vacated and this case shall forthwith be restored to
the calendar to be set for trial.

Dated: May 19, 2010


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE